REMARKS

The Applicants thank Examiner Alter for her time and consideration given during the telephonic interview of June 27, 2008.

Claims 1-25 have been finally rejected by the Examiner. Upon entry of this amendment, Claim 26 has been cancelled, and Claims 1-25 and 27-35 will remain pending in this application. The six independent claims are Claims 1, 7, 12, 19, 20, and 24. New dependent Claims 27-35 have been added to further define the Applicants' invention.

Consideration of the present application is respectfully requested in light of the above claim amendments to the application and in view of the following remarks.

Summary of Telephonic Interview of June 27, 2008

The Applicants and the undersigned thank Examiner Alter for her time and consideration given during the telephonic interview of June 27, 2008. During this telephonic interview, a proposed amendment to the claims was discussed. The Applicants provided the proposed amendment to the claims in advance of the interview.

The Applicants' representative explained how that the prior art of record does not provide any teaching of an AED which has an electrode pad portion of an electrode pad assembly positioned in a slot with an enclosed volume through an opening when the electrode pad portion is not in use, and the electrode pad assembly including a cable and a connector at the end of the cable extending from said electrode pad portion and connected to the defibrillator electronics when the electrode pad portion is not in use and when the electrode pad portion is in use.

The Applicants' representative explained that the Examiner's primary reference in the last Office Action, U.S. Patent Application Publication Number 20030023274 published in the name of Chesley et al. (hereinafter, the "Chesley reference"), only provides a teaching of a first electrode pad assembly that is positioned on an outside surface of an AED and which is connected to the defibrillator electronics. While the Chesley reference does provide a teaching of a second electrode pad assembly which is positioned in a storage compartment, this second electrode pad assembly is not connected to the defibrillator electronics since this second electrode pad assembly is a "back-up" device relative to the first electrode pad assembly, which is connected to the defibrillator electronics.

Examiner Alter suggested that the Applicants remove the elements of "length", "width", and "depth" from the proposed claim which were provided to describe the enclosed volume. Examiner Alter explained that these elements of measurement were implicit or inherent based on her understanding of the term "enclosed volume." The Applicants appreciate the Examiner's helpful insight and have adopted the Examiner's suggestion in this paper.

At the end of the interview, Examiner Alter expressed that she understood the Applicants' representative comments and the concepts presented by the amended claims. Examiner Alter indicated that an update search would be conducted after the Applicants submit the claims in a formal amendment.

The Applicants and the undersigned request Examiner Alter to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-233 (8th Ed., Rev. 6, Sept. 2007).

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-3, 7-8, 12-13, 16-17, 19-21, and 23-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. Pub. No. 20030023274 published in the name of Chesley et al. (hereinafter, the "Chesley reference"). The Examiner rejected Claims 4-5, 9, and 14-15 under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over the Chesley reference.

The Examiner rejected Claims 6 and 10-11 under 35 U.S.C. § 103(a) as being unpatentable over the Chesley reference. The Examiner rejected Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over the Chesley reference in view of U.S. Pat. No. 5,868,794 issued in the name of Barkley et al. (hereinafter, the "Barkley reference")

The Applicants respectfully offer remarks to traverse these pending rejections. The Applicants will address each independent claim separately because the Applicants believe that each independent claim is separately patentable over the prior art of record.

Independent Claim 1

The rejection of Claim 1 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) a first panel and (2) a second panel, (3) said second panel including a recess, (4) said first and second panels mated together and secured by a coupling means, (5) the first and second panels containing defibrillator electronics therebetween; (6) a plate secured by a coupling means to the second panel, (7) the plate and second panel positioned relative to each other such that said plate covers said recess to form a slot (8) which has a defined and enclosed volume having (9) a (10) an opening leading to the enclosed volume; and (11) an electrode pad assembly including a package containing electrode pads, (12) the package including an electrode pad portion, (13) the slot sized to receive a portion of said electrode pad portion of the electrode pad assembly (14) in the enclosed volume (15) through the opening when the electrode pad portion is not in use, (16) the electrode pad assembly including a cable and (17) a connector at the end of the cable (18) extending from said electrode pad portion and (19) connected to the defibrillator electronics (20) when the electrode pad portion is not in use and (21) when the electrode pad portion is in use, and (22) said electrode pad portion of said electrode pad assembly being received through the opening in said slot (23) when the electrode pad portion is not in use, as recited in amended independent Claim 1.

The Chesley Reference

The Chesley reference describes an automated external defibrillator (AED) 10 which includes an outer casing 12 that houses conventional defibrillation electronics and has a handle 14 formed on the front end thereof. A primary electrode package 16 is mounted to the exterior of the casing 12, on the top surface thereof. A user interface section 18 is also located on the top surface of the casing 12, between the handle 14 and the primary electrode package 16. Chesley reference, page 2, first column, paragraph [0020].

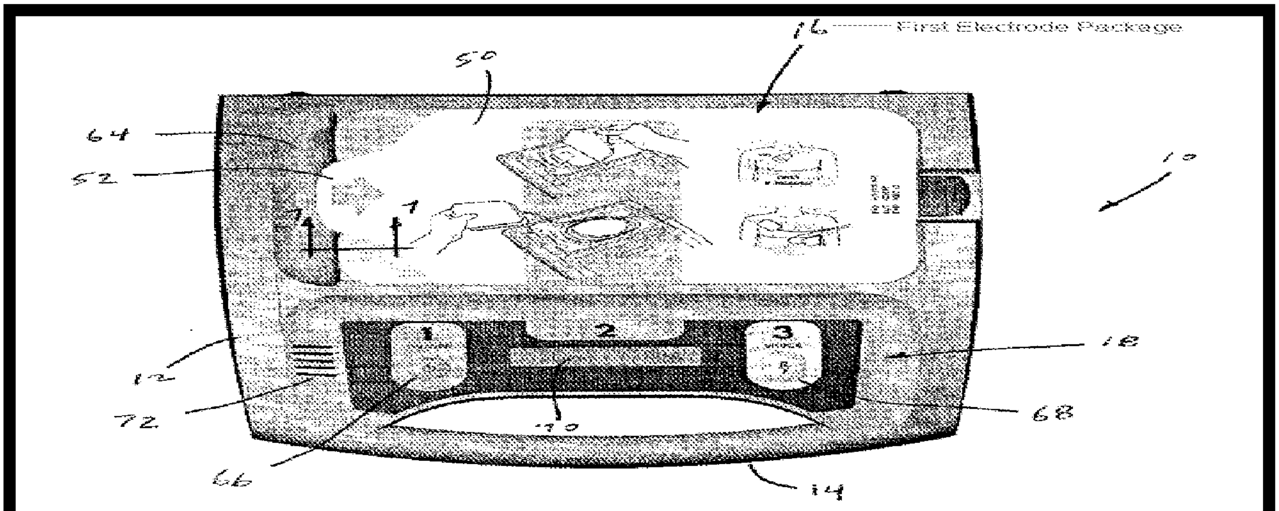

FIG. 1

The AED 10 as illustrated in Figure 3 provided below further includes an internal storage compartment 20 for storing a second electrode package 22, which is identical to the first electrode package 16 in form and content. The storage compartment 20 is accessible through an opening in the front end of the casing 12, below the handle 14. The storage compartment 20 is provided with a mechanism that normally holds the second electrode package 22 in the compartment 20 but allows the second electrode package 22 to be withdrawn by a slight tug thereon. **The second electrode package 22 serves as a backup or replacement for the primary electrode package 16.** Chesley reference, page 2, first column, paragraph [0020] [Emphasis supplied.]

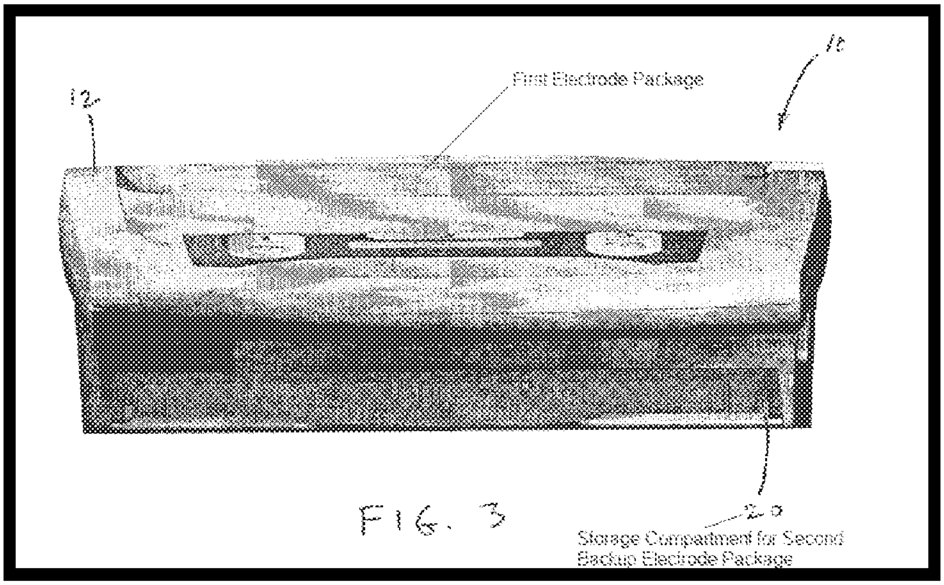

FIG. 3

The primary electrode package 16 includes a rectangular tray 24 as illustrated in Figure 4 below that is preferably, but not necessarily, made of a plastic material. The tray 24 has an outer rim 26 that surrounds a recessed receptacle portion 28. The outer rim 26 is larger at a first end of the tray 24. This enlarged portion of the rim 26 has two openings 30 and a slot 32 formed therein. A notch 34 is formed in the outer rim 26, at a second end of the tray 24 that is opposite the first end. Chesley reference, page 2, first column, paragraph [0021].

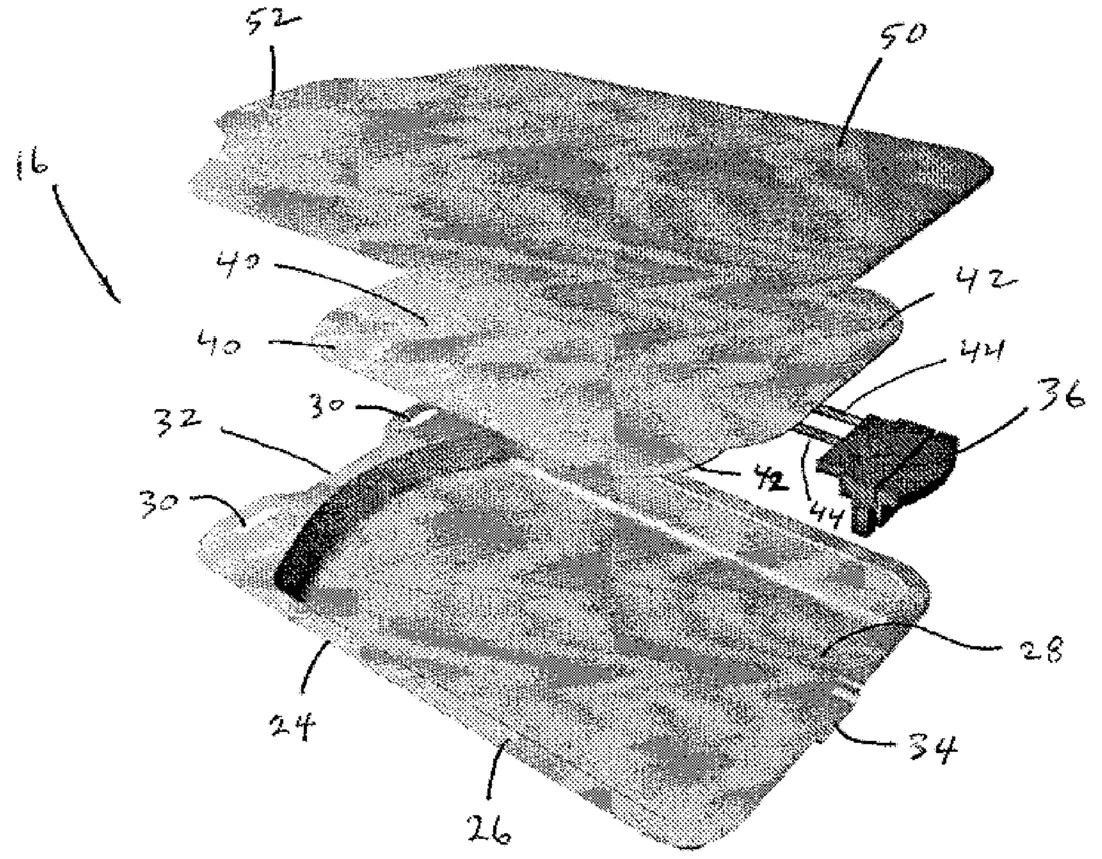

FIG. 4

The primary electrode package 16 further includes a connector 36 that fits into the notch 34 of the tray 24. When properly positioned in the notch 34, the connector 36 has a first end that extends into the receptacle portion 28 and a second end that extends out of the tray 24. The second end of the connector 36 is provided with two coupling elements. Chesley reference, page 2, first column, paragraph [0021].

A pair of electrodes 40 is stored in the receptacle portion 28. Each electrode 40 includes an electrode pad 42 and a cable 44 connected at one end to the electrode pad 42. The other end of each cable 44 is connected to the first end of the connector 36. The cables 44, which are long enough to extend from the AED 10 to the patient's chest, are coiled and stowed under the electrode pads 42. As is generally known in the art, each electrode pad 42 comprises an electrode element that is electrically connected to the cable 44. A conductive gel is provided for ensuring good electrical conductivity between the electrode element and the patient's body. Each electrode pad 42 preferably includes an adhesive material for adhering the electrode pad 42 to the patient's chest. A releasable backing sheet is disposed over the adhesive to prevent the electrode pad from unintentionally adhering to objects while not in use. Chesley reference, page 2, first column, paragraph [0023].

As apparent to one of ordinary skill in the art, the second electrode package 22 of the Chesley reference which is stored in the storage compartment 20 is not connected to the defibrillator electronics when not in use. The second electrode package 22 is not connected to the defibrillator electronics when not in use because it is a backup device relative to the first electrode package 16 which is connected to the defibrillator electronics when not in use. Further, the first electrode package 16 of the Chesley reference is stored in a tray 24 and not a compartment or slot having a defined and enclosed volume and an opening leading to the enclosed volume

This arrangement of the Chesley reference is opposite to the Applicants' claimed combination which includes an electrode pad assembly including a cable and a connector at the end of the cable extending from said electrode pad portion and connected to the defibrillator electronics when the electrode pad portion is not in use and when the electrode pad portion is in use, while the slot receives a portion of said electrode pad portion of the electrode pad assembly in the enclosed volume through the opening when the electrode pad portion is not in use.

Summary for Independent Claim 1

In light of the differences between amended independent Claim 1 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 1.

Accordingly, reconsideration and withdrawal of the rejection of Claim 1 are respectfully requested.

Independent Claim 7

The rejection of Claim 7 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) a first panel and (2) a second panel forming the enclosure, (3) said second panel including a recess, (4) said first and second panels mated together, (5) the first and second panels confining the defibrillator electronics therebetween; (6) a plate secured to the second panel, (7) the plate and second panel positioned relative to each other such that said plate covers said recess to create a slot (8) which has a defined and enclosed volume having (9) an opening leading to the enclosed volume; and (10) an electrode pad assembly (11) including a package containing electrode pads, (12) the package including an electrode pad portion, (13) the electrode pad assembly including a cable and (14) a connector at the end of the cable (15) extending from said electrode pad portion and (16) connected to the defibrillator electronics when the electrode pad portion is not in use and (17) when the electrode pad portion is in use, (18) the slot sized to receive a portion of said electrode pad portion of the electrode pad assembly (19) in the enclosed volume (20) through the opening (21) when the electrode pad portion is not in use, and (22) said electrode pad assembly being received (23) through the opening (24) in said slot (25) when the electrode pad portion is not in use, as recited in amended independent Claim 7.

Similar to independent Claim 1, the references noted above all fail to provide the combination of the electrode pad assembly including a cable and a connector at the end of the cable extending from said electrode pad portion and connected to the defibrillator electronics when the electrode pad portion is not in use and when the electrode pad portion is in use, the slot sized to receive a portion of said electrode pad portion of the electrode pad assembly in the enclosed volume through the opening when the electrode pad portion is not in use.

In light of the differences between amended independent Claim 7 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 7. Accordingly, reconsideration and withdrawal of the rejection of Claim 7 are respectfully requested.

Independent Claim 12

The rejection of Claim 12 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) electricity circuitry configured to output a defibrillation pulse; (2) an enclosure for housing the electrical circuitry; and (3) an electrode pad assembly (4) including a package containing electrode pads, (5) an electrical cable connected to said electrode pads, and (6) an electrical connector at the end of the cable extending from (7) an electrode pad portion of the package and (8) connected to the electrical circuitry (9) when the electrode pad portion is not in use and (10) when the electrode pad portion is in use, (11) the enclosure including an exterior slot which has a (12) defined and (13) enclosed volume having (14) an opening leading to the enclosed volume, (15) the slot sized to receive a portion of said electrode pad portion of the electrode pad assembly (16) in the enclosed volume (17) through the opening (18) when the electrode pad portion is not in use, and (19) said electrode pad portion of said electrode pad assembly being received (20) through the opening (21) in said slot (22) when the electrode pad portion is not in use, as recited in amended independent Claim 12.

Similar to independent Claim 1, the Chesley reference fails to provide the combination of an electrical cable connected to the electrode pads, and an electrical connector at the end of the cable extending from an electrode pad portion of the package and connected to the electrical circuitry when the electrode pad portion is not in use and when the electrode pad portion is in use, and the electrode pad portion of said electrode pad assembly being received through the opening in the slot when the electrode pad portion is not in use.

In light of the differences between amended independent Claim 12 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in a combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 12. Accordingly, reconsideration and withdrawal of the rejection of Claim 12 are respectfully requested.

Independent Claim 19

The rejection of Claim 19 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) electrical circuitry configured to output a defibrillation shock signal; (2) a first panel; (3) a second panel, (4) the second panel having a slot, the slot comprising a (5) defined and enclosed volume (6) having an opening leading to the enclosed volume; (7) coupling means for securing the first panel and the second panel together, (8) the first and second panels containing the electrical circuitry therebetween; and (9) an electrode pad assembly, (10) said electrode assembly including a package containing electrode pads (11) electrically connected to said electrical circuitry when the electrode pads are not in use and (12) when the electrode pads are in use, (13) the package including an electrode pad portion, (14) said slot sized to receive a portion of said electrode pad portion of the electrode pad assembly (15) in the enclosed volume (16) through the opening (17) when the electrode pad portion is not in use, (18) said electrode pad portion of said electrode pad assembly being received through the opening in said slot (19) when the electrode pad portion is not in use, as recited in amended independent Claim 19.

Similar to independent Claim 1, the Chesley reference fails to provide the combination of the electrode assembly including a package containing electrode pads electrically connected to electrical circuitry when the electrode pads are not in use and when the electrode pads are in use, the package including an electrode pad portion, the slot sized to receive a portion of said electrode pad portion of the electrode pad assembly in the enclosed volume through the opening when the electrode pad portion is not in use.

In light of the differences between amended independent Claim 19 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 19. Accordingly, reconsideration and withdrawal of the rejection of Claim 19 are respectfully requested.

Independent Claim 20

The rejection of Claim 20 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) electrical circuitry configured to output a defibrillation shock signal; (2) an enclosure formed to include a slot (3) on an exterior of the enclosure, the slot comprising (5) a defined and enclosed volume (6) having an opening leading to the enclosed volume; and (6) at least one accessory disposed within said slot (7) through the opening (8) when the at least one accessory is not in use, (9) said at least one accessory connected to the electrical circuitry (10) when the at least one accessory is not in use and (11) when the at least one accessory is in use, (12) said at least one accessory including a main body portion, (13) said slot being sized to receive a portion of said main body portion of the at least one accessory (14) in the enclosed volume (15) through the opening (16) when the electrode pad portion is not in use, and (17) said main body portion of said at least one accessory being received through the opening in said slot when the electrode pad portion is not in use, as recited in amended independent Claim 20.

Similar to independent Claim 1, the Chesley reference fails to provide the combination of a slot comprising a defined and enclosed volume having an opening leading to the enclosed volume; and at least one accessory disposed within said slot through the opening when the at least one accessory is not in use, the at least one accessory connected to the electrical circuitry when the at least one accessory is not in use and when the at least one accessory is in use,.

In light of the differences between amended independent Claim 20 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 20. Accordingly, reconsideration and withdrawal of the rejection of Claim 20 are respectfully requested.

Independent Claim 24

The rejection of Claim 24 is respectfully traversed. It is respectfully submitted that the Chesley reference fails to describe, teach, or suggest the combination of: (1) an external defibrillator enclosure defining a slot, the slot having (2) a defined and enclosed volume (3) with an opening leading to the enclosed volume; (4) a pair of electrode pads connected to the defibrillator electronics (5) when the electrode pads are not in use and (6) when the electrode pads are in use; and (7) a packaging for the electrode pads (8) disposed in the enclosed volume of said slot when not in use and (9) having a profile configured to receive and enclose the electrode pads, (10) the packaging including an electrode pad portion, (11) the profile further configured to facilitate insertion of said electrode pad portion of the packaging for the electrode pads (12) through the opening into the slot (13) when the electrode pads are not in use, (14) said electrode pad portion of said packaging for the electrode pads being received through the opening and in the enclosed volume of said slot when the electrode pad portion is not in use, as recited in amended independent Claim 24.

Similar to independent Claim 1, the Chesley reference fails to provide the combination of a pair of electrode pads connected to the defibrillator electronics when the electrode pads are not in use and when the electrode pads are in use; and a packaging for the electrode pads disposed in the enclosed volume of said slot when not in use and having a profile configured to receive and enclose the electrode pads, the packaging including an electrode pad portion, the profile further configured to facilitate insertion of said electrode pad portion of the packaging for the electrode pads through the opening into the slot when the electrode pads are not in use,.

In light of the differences between amended independent Claim 24 and the Chesley reference, one of ordinary skill in the art recognizes that this reference alone or in combination cannot anticipate or render obvious the recitations as set forth in amended independent Claim 24. Accordingly, reconsideration and withdrawal of the rejection of Claim 24 are respectfully requested.

The Barkley Reference

The Barkley reference was relied upon by the Examiner to support a rejection of dependent Claim 22 which describes a notch. The Applicants have reviewed the Barkley reference and they do not believe that that the Barkley reference addresses any of the new elements recited in independent Claim 20. Therefore, because independent Claim 20 should be allowable over the Chesley reference and because the Barkley reference does not address any of the new elements that have been added to independent Claim 20, Claim 22 which depends on Claim 20 should also be allowable over the Chesley reference or Barkley reference or a combination thereof.

Dependent Claims 2-6, 8-11, 13-18, 21-23, 25, and 27-35

The Applicants respectfully submit that the above-identified dependent claims are allowable because the independent claims from which they depend are patentable over the cited references. The Applicants also respectfully submit that the recitations of these dependent claims are of patentable significance.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the pending rejections of dependent Claims 2-6, 8-11, 13-18, 21-23, and 25.

CONCLUSION

The foregoing is submitted as a full and complete response to the Final Office Action mailed on February 6, 2008. The Applicants and the undersigned thank Examiner Alter for consideration of these remarks. The Applicants have amended the claims and have submitted remarks to traverse rejections of Claims 1-25. The Applicants respectfully submit that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned in the Atlanta Metropolitan area (404) 572-2884.

Respectfully submitted,

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